

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 20, 2005

**SENATE BILL**

**No. 861**

**Introduced by Senator Speier**

February 22, 2005

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An act to amend Section ~~14105.7~~ of the Welfare and Institutions Code, relating to ~~Medi-Cal dogs~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 861, as amended, Speier. ~~Medi-Cal: allowable drug product prices: updates.~~ *Dangerous and vicious dogs.*

*Existing law regulates potentially dangerous and vicious dogs, as specified, and provides that nothing in these provisions shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of these provisions, or that may punish a violation of these provisions as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs, provided that no program shall regulate these dogs in a manner that is specific as to breed.*

*This bill would no longer prohibit local governments from adopting a program regulating dangerous and vicious dogs that is specific as to breed, but instead would authorize cities and counties to pass breed specific legislation to address public safety and welfare concerns in their communities, provided that no program shall institute a ban specific as to breed.*

~~Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires the director to update allowable drug product~~

~~prices no less often than every 30 days, with these updates to include any prior change in drug product price of which the director has received notice.~~

~~This bill would, instead, require the director to update allowable drug product prices within 7 days of receiving notice of a drug product price change.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 31683 of the Food and Agricultural  
2     Code is amended to read:

3     31683. (a) Nothing in this chapter shall be construed to  
4     prevent a city or county from adopting or enforcing its own  
5     program for the control of potentially dangerous or vicious dogs  
6     that may incorporate all, part, or none of this chapter, or that may  
7     punish a violation of this chapter as a misdemeanor or may  
8     impose a more restrictive program to control potentially  
9     dangerous or vicious dogs, ~~provided that no program shall~~  
10    ~~regulate these dogs in a manner that is specific as to breed.~~

11    (b) ~~Cities and counties may pass breed specific legislation to~~  
12    ~~address public safety and welfare concerns in their communities,~~  
13    ~~provided that no program shall institute a ban specific as to~~  
14    ~~breed.~~

15    SECTION 1. ~~Section 14105.7 of the Welfare and Institutions~~  
16    ~~Code is amended to read:~~

17    ~~14105.7. (a) In order to fairly reimburse pharmacies for the~~  
18    ~~furnishing of prescription drugs to Medi-Cal beneficiaries, the~~  
19    ~~director shall update allowable drug product prices within seven~~  
20    ~~days of receiving notice of a drug product price change. Notice to~~  
21    ~~the director shall include, but not be limited to, publication of the~~  
22    ~~price change in the supplier's catalog or supplement or in~~  
23    ~~nationally distributed drug price reference guides.~~

24    ~~(b) No regulation reducing allowable drug product cost~~  
25    ~~reimbursement or removing a drug from the Medi-Cal list of~~  
26    ~~contract drugs shall be operative until at least 30 days after~~  
27    ~~eligible pharmacies have been mailed a notice of the~~  
28    ~~reimbursement limitation by the department or the fiscal~~  
29    ~~intermediary.~~

1     ~~(e) The director shall limit the rate of payment for the~~  
2     ~~professional fee portion of prescription services rendered under~~  
3     ~~this chapter pursuant to Section 4064 of the Business and~~  
4     ~~Professions Code or Section 11201 of the Health and Safety~~  
5     ~~Code and the professional fee portion of prescription services~~  
6     ~~rendered as a refill immediately subsequent to that prescription to~~  
7     ~~ensure that the total professional fee paid for the two services~~  
8     ~~does not exceed the professional fee paid for the same~~  
9     ~~prescription refill when provided as a routine service.~~

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